

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE CELEXA AND LEXAPRO)
PRODUCTS LIABILITY LITIGATION)

MDL DOCKET NO. 1736
ALL CASES


MEMORANDUM AND ORDER OF DISMISSAL

This matter is before the Court on defendants' motion to dismiss the case styled Ashley Smith v. Forest Laboratories, Inc., et al., 4:06CV714 RWS. Smith is now proceeding *pro se* after her counsel was granted leave to withdraw on January 5, 2009. Since that time, defendants have attempted to communicate with plaintiff about her case, but she has failed and refused to respond. Plaintiff also failed to appear for her deposition as scheduled. On June 11, 2009, I ordered plaintiff to show cause in writing why defendants' motion to dismiss should not be granted and her complaint dismissed with prejudice for her failure to participate in discovery and prosecute her case. Plaintiff was granted until July 1, 2009 to comply with the Order to Show Cause and was specifically warned that her failure to timely comply would result in the dismissal of her case with prejudice without further notice by the Court. Plaintiff has failed and refused to respond to the Order to Show Cause, and her time for doing so has expired.

Accordingly,

IT IS HEREBY ORDERED that defendants' motion to dismiss the case styled Ashley Smith v. Forest Laboratories, Inc., et al., 4:06CV714 RWS, [#416] is granted, and plaintiff Ashley Smith's complaint is dismissed with prejudice for her failure to comply with the Order to Show Cause dated June 11, 2009, participate in discovery, and prosecute her case.

A separate Order of Dismissal is entered this same date.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 7th day of July, 2009.